

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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WNS HOLDINGS, LLC, INTELLIGENT  
TECHNOLOGIES INTERNATIONAL, INC.,  
and MARK ALAN EBERWINE,

Plaintiffs,

Case No. 08-C-275-C

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

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**[PROPOSED] ORDER**

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Having considered the parties Joint Motion to Dismiss, and good cause appearing therefore, it is ORDERED that:

- 1) Plaintiffs' Second Amended Complaint, Count I: Plaintiff WNS Holdings, LLC's claims for infringement of claims 1, 6 and 8 of the '194 patent are dismissed without prejudice.
- 2) Plaintiffs' Second Amended Complaint, Count III: Plaintiff Mark Alan Eberwine's claims for infringement of the '052 patent are dismissed without prejudice.
- 3) Plaintiffs' Second Amended Complaint, Count IV: Plaintiff Intelligent Technologies International, Inc.'s claims for infringement of the '132 patent are dismissed without prejudice.

- 4) Plaintiffs' Second Amended Complaint, Count V: Plaintiff Intelligent Technologies International, Inc.'s claims for infringement of the '925 patent are dismissed without prejudice.
- 5) Defendant's Answer, Defenses and Counterclaims, Claim I: That United Parcel Service, Inc.'s counterclaim for a declaratory judgment of non-infringement be dismissed without prejudice with respect to claims 1-6 and 8-20 of the '194 patent, and be further dismissed without prejudice with respect to all claims of U.S. Patent Nos. 5,392,052, 6,405,132 and 7,295,925.
- 6) Defendant's Answer, Defenses and Counterclaims, Claim II: That UPS's counterclaim for a declaratory judgment of invalidity be dismissed without prejudice with respect to claims 1- 6 and 8-20 of the '194 patent, and be further dismissed without prejudice with respect to all claims of U.S. Patent Nos. 5,392,052, 6,405,132 and 7,295,925.

This 12<sup>th</sup> day of March, 2009.



Barbara B. Crabb  
U.S. District Court Judge